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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,171	10/16/2003	Steven S. Homer	200309433-1	6810
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22879 7590 12/23/2005

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EXAMINER

PIGGUSH, AARON C

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,171

Applicant(s)

HOMER, STEVEN S.

Examiner

Aaron Piggush

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Faris (US 2001/0008721).

With respect to claim 1, Faris discloses a portable computer, comprising:

a housing having a battery bay (639 and 639C in Fig. 6A); and

a battery module adapted to removeably fit into the battery bay (640 in Fig. 6A and 6B and Fig. 8A), wherein the battery module comprises at least one battery cell adapted to provide power (641 in Fig. 6A and 6B and Fig. 8B and 655 in Fig. 7A) and at least one storage compartment located adjacent the battery cell (Fig. 8B and 643 in Fig. 6A and pg 6 para 0062 ln 8-12).

With respect to claim 2, Faris discloses the portable computer as recited in claim 1, wherein the battery module comprises three separate batteries (bottom portion of Fig. 8B and pg 6 para 0062 ln 5-7).

With respect to claim 3, Faris discloses the portable computer as recited in claim 2, wherein the three battery cells are electrically coupled to an electrical contact, wherein the electrical contact is adapted to connect to an ancillary electronic device (680 in Fig. 8A and 662 and 665 in Fig. 7A).

Art Unit: 2838

With respect to claim 4, Faris discloses the portable computer as recited in claim 2, wherein the storage compartment is formed as a recess in the battery module (Fig. 8B and pg 6 para 0062 ln 10-12).

With respect to claim 5, Faris discloses the portable computer as recited in claim 4, wherein the storage compartment has a rectangular shape (670 in Fig. 8A and 643 in Fig. 6A).

With respect to claim 6, Faris discloses the portable computer as recited in claim 5, wherein the storage compartment is sized to hold a plurality of business cards (670 and 671 in Fig. 8A and Fig. 8B).

With respect to claim 7, Faris discloses the portable computer as recited in claim 1, wherein the battery module comprises a cover adapted to provide access to the storage compartment (671B in Fig. 8A).

With respect to claims 8 and 9, the method steps will be met during the normal operation of the invention described above by Faris (Fig. 8A, 8B, 6A, and 6B).

With respect to claim 10, Faris discloses the method as recited in claim 8, wherein the battery comprises three battery cells located adjacent the storage compartment (Fig. 8B).

With respect to claim 11, Faris discloses the method as recited in claim 9, wherein the act of interchanging comprises the act of interchanging the battery module with the second battery module having at least six cells (Fig. 8B).

With respect to claim 12, Faris discloses the method as recited in claim 8, comprising the act of enclosing the storage compartment with a pivotable cover operable between open and closes positions (671B in Fig. 8A and 8B).

With respect to claim 13, Faris discloses the method as recited in claim 8, wherein the battery bay is located in a bottom region of the portable computer (640 in Fig. 6A).

With respect to claim 14, Faris discloses an electronic device, comprising:

a housing (610 in Fig. 1A and 639 in Fig. 6A);

a battery bay formed in the housing (612 in Fig. 1B and 639C in Fig. 6A);

a module removeably coupled to the battery bay, the module comprising a battery cell and a storage compartment adjacent the battery cell (611, 613, and 614 in Fig. 1B and 640 and 643 in Fig. 6A, 6B, and 8B).

With respect to claim 15, Faris discloses the device as recited in claim 14, wherein the battery is configured to accept at least three battery cells (pg 4 para 0051 ln 7-10 and 627A-627D in Fig. 3A and Fig. 8B).

With respect to claim 16, Faris discloses the device as recited in claim 14, wherein the storage compartment comprises a cover to selectively enclose the storage compartment (615 in Fig. 1B and 671 in Fig. 8A and 8B).

With respect to claim 17, Faris discloses the device as recited in claim 16, wherein the cover is pivotable between an opened position and a closed position (615 in Fig. 1B and 671 in Fig. 8A and 8B).

With respect to claim 18, Faris discloses the device as recited in claim 14, wherein the storage compartment is sized to hold a plurality of business cards (614 in Fig. 1B and 670 and 671 in Fig. 8A and 8B).

Response to Arguments

3. Applicant's arguments filed October 21, 2005 have been fully considered but they are not persuasive.

With respect to claims 1, 8, and 14, applicant argues that Faris (US 2001/0008721) does not teach or suggest a battery module that “comprises ... at least one storage compartment.” The applicant further argues that the fuel cell power module and the storage compartment are not remotely near each other or adjacent.

The examiner respectfully disagrees for the following reasons: Fig. 8B, as cited in the previous office action, shows a plurality of fuel cards (no. 641) which are releasably mounted within the module (para 0071), and therefore, the module also acts as a storage compartment wherein the storage areas are adjacent the battery cell and also located within the battery module. Additionally, the storage compartment (no. 643) of Fig. 6A is located directly adjacent the battery cell (no. 641). As cited in the previous office action, Faris discloses that the storage compartment can be integrally formed within the power consuming device or affixed to the exterior surface of the battery bay (para 0062), both of which would be considered adjacent the battery cell.

As written, the applicant's claim does not recite that the storage compartment is located within the battery module, just that the module comprises the cell and the storage compartment. Furthermore, the rejection of the claims using Fig. 8B and 8A, as explained above, cover such a situation where the module contains the cell and the storage compartment.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Piggush whose telephone number is 571-272-5978. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP



KARL D. EASTHOM
PRIMARY EXAMINER